



**HELLER
WALDMAN**
ATTORNEYS AT LAW

Phone: (305) 448-4144

Fax: (305) 448-4155

3250 Mary Street | Suite 102 | Coconut Grove, FL 33133

Glen H. Waldman, Esq.
gwaldman@hellerwaldman.com
Direct Dial: 786-464-8949

September 3, 2013

VIA: HAND DELIVERY

Sirius XM Radio, Inc.
3161 SW 10th Street
Deerfield Beach, FL 33442

VIA PROCESS SERVER

CT Corporation as Registered Agent
111 8th Avenue, 13th Floor
New York, NY 10011

Re: Civil Theft Demand Letter Pursuant to Fla. Stat. §772.11

To Whom It May Concern:

This firm is co-counsel for FLO & EDDIE, INC., a California Corporation, individually and on behalf of all others similarly situated. The principals of Flo & Eddie, Mark Volman and Howard Kaylan, have been performing together as The Turtles since 1965 and have recorded numerous iconic hits including "Happy Together," "It Ain't Me Babe," "She'd Rather Be With Me," "You Baby," "She's My Girl," "Elenore," and many others. Since approximately 1971, Flo & Eddie has owned the entire catalog of 100 original master recordings by The Turtles, all of which were recorded prior to February 15, 1972. Notwithstanding the absence of any license or authorization from FLO & EDDIE, INC., the Turtles' recordings can be heard every hour of every day by subscribers in Florida to Sirius Satellite Radio, XM Satellite Radio, and SiriusXM Satellite Radio. Demand is hereby made pursuant to Fla. Stat. §772.11 that Sirius XM Radio, Inc. remit payment in the amount of \$300,000,000.00 within thirty (30) days. This amount represents treble the amount of the monies improperly stolen by SiriusXM Radio, Inc. from FLO & EDDIE, INC. and others similarly situated. If you do not comply with this demand, FLO & EDDIE, INC will have no alternative but to exercise whatever rights and remedies it has under the law, including, but not limited to, prosecution of this matter in a court of law to collect that which is due and owing to FLO & EDDIE, INC. and others similarly situated pursuant to Fla. Stat. §772.11, including its attorney's fees and costs.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Sincerely,

Glen H. Waldman, Esq.

cc: FLO & EDDIE, INC.

